

13335 PLMT

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

**FILE:** B-197984

**DATE:** April 3, 1980

**MATTER OF:** Lieutenant Colonel Donald C. Nichols, USAF  
(Retired)

AGC00035

**DIGEST:** Although an Air Force officer claims to have received authorization to exceed his administrative weight allowance for shipment of household goods on an overseas permanent change of station, no evidence of the authorization to exceed the weight allowance can be produced by the claimant or found in Government records. Claims against the Government are decided by this Office on the basis of the written record. The claimant has the burden of proof of establishing the liability of the United States and the claimant's right of payment. 4 C.F.R. 31.7; 53 Comp. Gen. 181 (1973) and 31 Comp. Gen. 340 (1952).

This action is in response to an appeal of a settlement of our Claims Division dated December 28, 1979, which disallowed a claim for reimbursement of amounts paid for shipment of household goods from Florida to Hawaii. The issue presented is whether a claim for the refund of charges assessed against a member for the shipment of household goods exceeding the administrative weight allowance may be paid where documents which would prove that the shipment of excess weight was authorized cannot be produced by the claimant or found in Government records. The answer is no.

In May 1974 Lieutenant Colonel Donald C. Nichols received notification of a permanent change of station (PCS) from Eglin Air Force Base, Florida, to Hickam Air Force Base, Hawaii. At the time of transfer which occurred in July 1974, the administrative weight restriction for transportation of household goods overseas limited Colonel Nichols to the shipment of 5,250 pounds. The total weight shipped was 5,393 pounds and Colonel Nichols was charged \$77.13 for the excess weight.

It is Colonel Nichols' contention that at the time of notification of his PCS move, he requested and received authorization to

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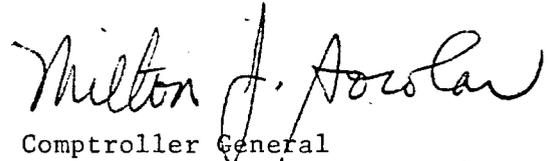
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ship 490 pounds of excess weight over the 5,250 pounds authorization. The message authorizing the shipment of additional weight was not included in the case file. Neither Colonel Nichols nor the origin and destination transportation offices have been able to provide a copy of the message. Since the message authorizing the additional weight allowance could not be located, the Air Force would not allow the excess weight and collected \$77.13 from Colonel Nichols.

We decide cases involving claims against the Government on the basis of the written record. The claimant has the burden of furnishing evidence clearly and satisfactorily establishing the liability of the United States and his right to payment. 4 C.F.R. Sec. 31.7 and 31 Comp. Gen. 340 (1952). Where as here, a claim is based on a contention by the claimant that he was authorized to ship household goods in excess of the administrative weight allowance but documents to verify or corroborate that such authorization did occur cannot be located in Government records, the burden does not rest upon this Office to refute claims presented, but is on claimant to furnish evidence satisfactorily proving the validity of the claim. 53 Comp. Gen. 181 (1973).

Accordingly, since the record fails to support Lieutenant Colonel Nichols' claim we must sustain the denial of the claim by our Claims Division.



For the Comptroller General  
of the United States